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**From:** Joan Seeman [joanseem@msn.com]  
**Sent:** 2/13/2019 7:01:39 PM  
**To:** Aviles, Jesse [Aviles.Jesse@epa.gov]  
**CC:** Chergo, Jennifer [Chergo.Jennifer@epa.gov]; Wharton, Steve [Wharton.Steve@epa.gov]; Murray, Bill [Murray.Bill@epa.gov]; vbi170cag@gmail.com  
**Subject:** Re: OU1 deletion related documents

"CDPHE. 1997. Request for Emergency Removal Action Elyria Neighborhood, Denver, CO. Letter, H. Roitman to S.Hawthorn. November 4,1997". Elyria?

Jesse,

I requested information regarding documents that are "required" to be posted for the current public review for the OU1 partial delist when I contacted the Records Center. They did not know what was required during this public comment period.

Would you please list what is "required" in an Administrative Record for the Partial OU1 Delist in the Vasquez Blvd National Superfund Site and help regarding access to review documents for those unable to use the EPA online link. You posted several documents at a google site that many have been unable to be accessed by the general public.

<https://www.govinfo.gov/content/pkg/FR-2019-02-06/pdf/2019-01318.pdf>

Also, There are several missing documents that are important for public review that I believe should be in the Administrative Record. They are:

## **VASQUEZ BOULEVARD AND I-70 DENVER, CO**

### **Reports and Documents**

<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0801646&doc=Y&colid=38273&region=08&type=SC>

(Why are documents referenced on the right hand column that have nothing to do with VB/I-70?)

1. Emergency Time Critical Removals for 18 properties are missing.

#### **TABLE 1 CHRONOLOGY OF EVENTS VB/I-70 OU1 Superfund Site Denver, Colorado**

Emergency Time Critical Removals ("before" non time critical removal)

1997

CDPHE began a limited soil sampling program in the Elyria and Swansea neighborhoods in **the future VB/I-70 Superfund Site**

1998

CDPHE requested EPA participation in the VB/I-70 project. **EPA mobilized an Emergency Response team to conduct an extensive soil sampling effort and a TCRA for the properties where soil posed immediate health risks to local residents**

“In September 1998, EPA issued an Action Memorandum that established the basis for conducting a time-critical removal action. The Action Memorandum required that soil be removed and replaced at any property with an average arsenic soil concentration greater than 450 ppm and/or lead soil concentration greater than 2000 ppm. These removal “action levels” were chosen to protect young children from adverse health effects related to short-term (sub-chronic) exposure. EPA conducted soil removals at 18 properties in October and November of 1998.”

March – August 1998

EPA conducted Phase I and Phase II soil sampling on residential properties

August 1998

EPA formed a working group of stakeholders

September 1998

EPA issued an Action Memorandum for a TCRA

October – November 1998

EPA conducted a TCRA at 18 properties

CDPHE. 1997. Request for Emergency Removal Action Elyria Neighborhood, Denver, CO. Letter, H. Roitman to S.Hawthorn. November 4,1997

EnviroGroup Limited. 1997. Report on Evaluation of Anomalous Arsenic Concentration in Surface Soil,ASARCOGlobePlantSite,Denver,Colorado. Volumes 1&2.

USEPA. 1998a. Project Plan for the Vasquez Boulevard and 1-70 Risk-Based Sampling Stage I Investigation. Prepared by ISI, Inc. August 1998.

USEPA. 1998b. Requisition for a Time-Critical Removal Action at the Vasquez Boulevard and 1-70 (aka North Denver Residential Soils) Site City and County of Denver,Colorado. September 16, 1998.

USEPA. 1998c. Sampling and Analysis Plan: North Denver Residential Soils. Prepared by URS Operating Services, Inc.March 1998.

USEPA. 1998d. Final Sampling Activities Report for North Denver Residential Soils -Phase I. Prepared by URSOperating Services, Inc. June 1998

2. Remedial Investigation - missing on EPA public site link:

<https://semspub.epa.gov/work/08/489928.pdf>

Vasquez BlvdJI-70 OU1RIRReport

Executive Summary

Final July2001

3. Proposed Plan missing (The USEPA released a Proposed Plan outlining its preferred clean-up option for the remaining properties in **May 2002 (USEPA, 2002).**

Due to extensive public comments requesting that USEPA lower the soil concentration clean-up levels, a **new clean-up alternative was published in May 2003.**) missing

Where are the extensive public comments located?

<https://nepis.epa.gov/Exe/ZyPDF.cgi/9100UHAD.PDF?Dockkey=9100UHAD.PDF>



United States  
Environmental Protection  
Agency

Office of  
Solid Waste and  
Emergency Response

Directive: 9335.3-02FS-2  
November 1989

# A Guide to Developing Superfund Proposed Plans

Office of Emergency and Remedial Response  
Hazardous Site Control Division

Quick Reference Fact Sheet

Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, requires preparation of Proposed Plans as part of the site remediation process. The Proposed Plan is prepared after the Remedial Investigation/Feasibility Study (RI/FS) is completed and is made available with the RI/FS to the public for comment. The Proposed Plan highlights key aspects of the RI/FS, provides a brief analysis of remedial alternatives under consideration, identifies the preferred alternative, and provides members of the public with information on how they can participate in the remedial selection process. A notice and brief analysis of the Proposed Plan is published in a major local newspaper of general circulation. In addition, the Proposed Plan, the RI/FS, and the other contents of the Administrative Record are available at an information repository near the site.

This guide outlines the major components of the Proposed Plan and suggests effective ways in which the various sections can be presented. EPA recommends issuing the Proposed Plan in a fact sheet format. For some highly complex sites or remedies, more detailed Plans may be appropriate. All Proposed Plans should be written in a style that makes the material easy for the public to understand and should emphasize that the preferred alternative identified in the Proposed Plan is a preliminary determination, and that the Agency is requesting comments on all of the alternatives.

Detailed guidance on the preparation of the Proposed Plan is provided in Chapters 2, 3, and 9 of the "Interim Final Guidance on Preparing Superfund Decision Documents" (the "ROD Guidance") (OSWER Directive 9335.3-02, November 1989, EPA/540/G-89/007).

## Introduction

Begin with a statement of the document's purpose. This introduction should state the site name and location, identify the lead and support agencies, and state that the Proposed Plan:

- Fulfills the requirements of CERCLA section 117(a);
- Describes the remedial alternatives analyzed for the site or operable unit;
- Identifies the preferred alternative and explains the rationale for the preference;
- Highlights key information in the RI/FS and administrative record, to which the reader is referred for further details;
- Solicits community involvement in the selection of a remedy; and
- Invites public comment on all alternatives.

## Site Background

Provide a brief description of the site, including:

- History of site activities that led to current problems at the site; and
- The site area or media to be addressed by the selected remedy.

Figure 1 is an example of a site map that could be included.

## Scope and Role of Operable Unit or Response Action

- Identify the principal threats posed by conditions at the site; and

- Describe the scope of the problems addressed by the preferred alternative and its role within the overall site clean-up strategy.

## Summary of Site Risks

- Provide a brief overview of the baseline risk assessment, including the contaminated media, contaminants of concern, exposure pathways and populations, and potential or actual risks;
- Describe how current risks compare with remediation goals; and
- Discuss environmental risks, as appropriate.

## Summary of Alternatives

Describe briefly each of the alternatives evaluated in the detailed analysis of the FS. Highlight the following:

- Treatment components;
- Engineering controls (noting the type of containment controls); and
- Institutional controls.

Quantities of waste and implementation requirements related to each component should be noted, as well as major applicable or relevant and appropriate requirements (ARARs), the estimated construction, and operation and maintenance (O&M) costs (also expressed in present worth), and the implementation time of each alternative. Emphasize that these latter two evaluations are estimates. An example is presented in: **Highlight 1.**

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## 4. Feasibility Study Executive Summary only posted. The study is missing.

MFG Inc. (MFG). 2001. Feasibility Study Report for Operable Unit 1, Vasquez Boulevard/Interstate 70 Superfund Site, Denver, Colorado. October.

5. Citizen Involvement Plans OU1 (EPA formal updates not reported since 2016)

Draft not posted?

6. EPA completed a Remedial Investigation/Feasibility Study ("RI/FS") Report on September 25, 2003 missing <https://semspub.epa.gov/work/08/2006179.pdf>

7. No EPA Agreement to place soils as a CAP in the Globe Plant in the Administrative Record? Missing <https://semspub.epa.gov/work/08/2006179.pdf>

"EPA has entered into a Voluntary Consent To Access Property with Asarco, as well as two extensions thereto, under which EPA has been bringing soils, removed from VB/I70 OU#1 residential properties and placing them as a cap on selected areas within the Globe Plant. The terms of that agreement and the extensions thereto are superseded by this Consent Decree."

8. <https://www.govinfo.gov/content/pkg/FR-2019-02-06/pdf/2019-01318.pdf>

"EPA placed copies of documents supporting the proposed partial deletion in the deletion docket, made these items available for public inspection, and copying at the Site information repositories identified above."

Are these copies available in the Denver Public Library, the EPA Region 8 Library, or the Valdez-Perry Library for the immediate community?

9. "More recently, a community advisory group formed to discuss response activities at OU2." Before my comments are submitted re the NOID please explain this comment? This is inaccurate.

The CAG presented formal concerns to you regarding OU1. The CAG Administrator requested an EPA meeting with Doug Benevento before the Delist Notice or a "public meeting/Hearing re the delist and a response was requested from EPA regarding a Resolution submitted. No EPA formal presentation/written comments/or community interviews were received from the EPA prior to the mention of the delist.

10. Below is a reference to the Administrative Record. There is no supporting documentation to review included. Are there any Records for the NOID available in the local library Valdez-Perry or Denver Public? In Spanish?

<https://semspub.epa.gov/work/08/1552122.pdf>

"This ESD and its supporting documentation will be incorporated into the Administrative Record as directed in Section 300.825(a)(2) of the NCP. The Administrative Record file is available for public review at the following location:

US EPA, Region 8, Regional Records Center

1595 Wynkoop Street

Denver, CO 80202-1120

303.312.7273 or toll free 800.227.8917, "appointment necessary"

<https://semspub.epa.gov/work/08/1552122.pdf>

I look forward to your response. As you know there aren't many days for the public to be educated on the facts about the OU1 delist since EPA would not address questions regarding this OU1 in my opinion.

Thank you,  
Joan Seeman

Sent from my iPad

On Feb 11, 2019, at 1:51 PM, Aviles, Jesse <[Aviles.Jesse@epa.gov](mailto:Aviles.Jesse@epa.gov)> wrote:

Hello Joan:

The Records Center sent me your request for assistance. All the documents related to the deletion are posted in EPA's website or in [www.regulations.gov](http://www.regulations.gov). Below are the links:

EPA

<https://www.epa.gov/co/opportunity-comment-partial-deletion-vasquez-boulevard-and-i-70-superfund-site>

Follow the link in the "Supporting Documents" section.

[Regulations.gov](http://www.regulations.gov)

<https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&dct=SR%2BO&np=15&D=EPA-HQ-SFUND-1999-0010>

Filter by Posted, by selecting "Last 15 days".

Cordially,

Jesse Aviles

Remedial Project Manager

Environmental Protection Agency

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